

## **TELEPHONE INTERVIEW WITH EXAMINER JEANTY ON 1 DECEMBER 2005:**

A telephone call was made by the undersigned to Examiner Romain Jeanty on 28 November 2005 to request further clarification as to the Examiner's Restriction Requirement. Examiner Jeanty requested that the Applicant call back on 1 December 2005, to allow the Examiner enough time to review the subject Application. The undersigned called Examiner Jeanty again on 1 December 2005 to discuss the Examiner's Restriction Requirement and more particularly to understand the Examiner's grouping of species as related to pending claims 1-33 in the subject Application.

During the telephone interview on 1 December 2005, the Examiner asserted that all independent claims in the subject Application are considered generic claims and in particular independent claims 1, 12, 21, and 30-33 are considered generic claims. The Examiner further asserted that dependent claims 2-11, 13-20, and 22-29 are intended to be grouped according to like limitations within dependent claims 2-11, 13-20, and 22-29. The Examiner still further asserted that any of dependent claims 2-11, 13-20, and 22-29 not specifically listed in the Office Action and not containing similar limitations to the specifically listed dependent claims in the Office Action are part of a first species, including the above mentioned generic claims. (4 November 2005 Office Action, Page 2). The Applicants direct the Examiner's attention to a list of the Species of the invention, as best understood by the Applicants, during the telephone interview on 1 December 2005:

- 1a. Species of claim 1, 6-8, 10, 11, 12, 17-19, 21, 26-28, and 30-31;
- 1b. Species of claim 1, 2, 12, 13, 21, 22, and 30-31;
- 1c. Species of claim 1, 3, 12, 14, 21, 23, and 30-31;
- 1d. Species of claim 1, 4, 12, 15, 21, 24, and 30-31;
- 1e. Species of claim 1, 5, 12, 16, 21, 25, and 30-31; and
- 1f. Species of claim 1, 9, 12, 20, 21, 29, and 30-31.

The Applicants respectfully request the Examiner to contact the undersigned at (817) 447-9955 if the Examiner has any comments, questions, or suggestions regarding the telephone interview on 1 December 2005 or the above listed Species.

### **ELECTION WITH TRAVERSE:**

The Restriction Requirement alleges that the subject Application contains claims directed to the following patentably distinct species of the claimed invention (4 November 2005 Office Action, Page 2):

- 1a. Species of claim 1, 6-8, 10, 11, 12, 17-19, 21, 26-28, and 30-31;
- 1b. Species of claim 1, 2, 12, 13, 21, 22, and 30-31;
- 1c. Species of claim 1, 3, 12, 14, 21, 23, and 30-31;
- 1d. Species of claim 1, 4, 12, 15, 21, 24, and 30-31;
- 1e. Species of claim 1, 5, 12, 16, 21, 25, and 30-31; and
- 1f. Species of claim 1, 9, 12, 20, 21, 29, and 30-31.

The Applicants elect, with traverse to pursue Claims 1, 6-8, 10, 11, 12, 17-19, 21, 26-28, and 30-31. As indicated by the Examiner, claims 1, 6-8, 10, 11, 12, 17-19, 21, 26-28, and 30-31 are directed to a single species, i.e., species 1a. The Applicants reiterate that the foregoing election is not an acquiescence in the propriety of the restriction or in the accuracy in the determination and/or identification of the alleged "Species" in the subject Application. The Applicants respectfully request withdrawal of the Restriction Requirement as set forth below, as the Requirement is improper.

**REMARKS:**

The Applicants hereby elect claims 1, 6-8, 10, 11, 12, 17-19, 21, 26-28, and 30-31 (which are directed to a single species, i.e. species 1a), which are further directed to a system, method, and software for managing a value chain, with traverse, in accordance with the applicable Rules of Practice and to advance the prosecution of the subject Application. As mentioned above, based on the Examiners grouping of the patentably distinct species of the claimed invention, Species 1a should comprise claims 1, 6-8, 10, 11, 12, 17-19, 21, 26-28, and 30-31.

The Applicants respectfully submit that upon the allowance of a generic claim (i.e. one or more of independent claims 1, 12, 21, and 30-33) the Applicants are entitled to consideration of claims to additional species (i.e. species 1b through 1f or any additional species added after this election of species) which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 C.F.R. § 1.141.

In addition, the Applicants respectfully submit that the Restriction Requirement is improper. Accordingly, in traverse, the Applicants request withdrawal of the Restriction Requirement for at least the reasons set forth above. Because the Applicants have made a proper election of an alleged Species and set forth the claims directed to that Species, as set forth by the Examiner, this response is complete. The Examiner is invited to contact the undersigned at (817) 447-9955 with any questions, comments, or suggestions relating to the subject Application.

**CONCLUSION:**

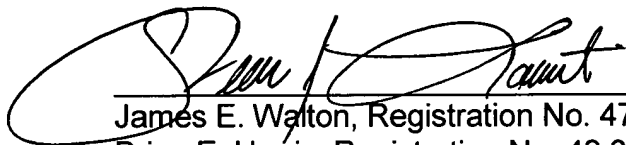
In view of the foregoing election with traverse and remarks, this application is considered to be in condition for allowance, and early reconsideration and a Notice of Allowance are earnestly solicited.

No fees are deemed to be necessary; however, the Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayments, to **Deposit Account No. 500777**.

**Please link this application to Customer No. 53184 so that its status may be checked via the PAIR System.**

Respectfully submitted,

12/2/05  
Date



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